

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK**

Index No.: \_\_\_\_\_/19

**JOHN DOE,****Plaintiffs designate  
NEW YORK COUNTY  
as place of trial.****Plaintiff,****The basis of venue is  
Defendant's principal  
place of business****-against -****SUMMONS****GREATER NEW YORK COUNCIL OF THE BOY  
SCOUTS OF AMERICA and BIG CROSS  
ELEMENTARY SCHOOL,****Plaintiff resides in Sumter  
County, Florida****Defendants.****To the above-named defendants:**

**YOU ARE HEREBY SUMMONED** to answer the complaint in this action and to serve a copy of your answer or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorneys within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case your failure to appear or answer, judgement will be taken for the relief demanded herein.

**A COPY OF THIS SUMMONS WAS FILED WITH THE CLERK OF THE COURT,  
NEW YORK COUNTY ON \_\_\_\_\_ IN COMPLIANCE WITH CPLR §§305(a) AND  
306(a).**

Dated: New York, New York  
August 14, 2019

**MERSON LAW, PLLC**By: 

Jordan K. Merson  
Attorneys for Plaintiff  
150 East 58<sup>th</sup> Street 34<sup>th</sup> Floor  
New York, New York 10155  
(212) 603-9100

**TO:**

**GREATER NEW YORK COUNCIL OF THE BOY SCOUTS OF AMERICA**

475 Riverside Dr Ste 600,  
New York, NY 10115

-and-

350 5<sup>th</sup> Avenue, #7820  
New York, NY 10118

**BIG CROSS ELEMENTARY SCHOOL**

15 Big Cross St,  
Glens Falls, NY 12801

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK**

Index No.: \_\_\_\_\_/19

-----X

**JOHN DOE,****Plaintiff,****-against -****VERIFIED  
COMPLAINT****GREATER NEW YORK COUNCIL OF THE BOY  
SCOUTS OF AMERICA and BIG CROSS  
ELEMENTARY SCHOOL****Defendants.**

-----X

Plaintiff,<sup>1</sup> above named, complaining of the defendants, by **MERSON LAW,****PLLC.,** respectfully allege(s):**NATURE OF THE CLAIM**

1. This is a case of plaintiff John Doe who defendants Greater New York Council of the Boy Scouts of America ("Boy Scouts") and Big Cross Elementary School ("the School") permitted, accepted, approved, adopted, and encouraged Mr. Doe to be sexually abused as a child by older members of the Boy Scouts and School community while under the supervision and control of the Boy Scouts and the School.
2. At all times herein mentioned, Mr. Doe was a participant of the Boy Scouts and a student at the School.
3. At all times herein mentioned, the Boy Scouts and the School were aware of the sexually abuse Mr. Doe, and boys prior to him, endured and failed to take any action to stop and/or prevent the abuse from recurring. As a result of the Boy Scouts and the School's

---

<sup>1</sup> Plaintiff uses a pseudonym because he is a victim of a sex crime pursuant to N.Y. Civ. Rights § 50-b and other statutory and common law principles.

negligent acts and/or omissions, Mr. Doe continued to be abused for three years as well as numerous other young participants in the Boy Scouts.

4. Beginning in or about 1956 and continuing until approximately 1959, when Mr. Doe was between the ages of eight and eleven, the Boy Scouts would take the young participants on camping trips in the woods where the boys were encouraged to sleep outside. Inside the tents, older boys would force Mr. Doe and several other young Boy Scouts to perform sexual acts including but not limited to masturbation and oral sex. Then, the School Counselors and Principal who knew about the abuse, but rather than discipline the perpetrators of this abuse, they sent Mr. Doe to counseling because he socially complained about the abuse, unlike the other boys.
5. During gym class at the School, the same boys would attempt to manually stimulate Mr. Doe and other young boys' penises in the showers.
6. Mr. Doe brings this lawsuit to recover for the emotional and physical suffering he endured because of the negligence of the Greater New York Council of the Boy Scouts of America and Big Cross Elementary School and to make sure no other child is forced to suffer the abuse and physical and mental trauma he felt and continues to feel.

#### PARTIES

7. At all times herein mentioned defendant **GREATER NEW YORK COUNCIL OF THE BOY SCOUTS OF AMERICA** was a not for profit corporation incorporated in the State of New York and by virtue of the laws of the State of New York.
8. At all times herein mentioned, defendant **GREATER NEW YORK COUNCIL OF THE BOY SCOUTS OF AMERICA** was located at 350 5<sup>th</sup> Avenue, #7820, New York, New York, 10118.



9. At all times herein mentioned, defendant **BIG CROSS ELEMENTARY SCHOOL** was a not for profit corporation incorporated in the State of New York and by virtue of the laws of the State of New York.
10. At all times herein mentioned, defendant **BIG CROSS ELEMENTARY SCHOOL** was located at 15 Big Cross Street, Glens Falls, NY 12801.
11. At all times herein mentioned, defendant **GREATER NEW YORK COUNCIL OF THE BOY SCOUTS OF AMERICA** was operated by and under the control of **BIG CROSS ELEMENTARY SCHOOL**
12. At all times herein mentioned, defendant **GREATER NEW YORK COUNCIL OF THE BOY SCOUTS OF AMERICA** and **BIG CROSS ELEMENTARY SCHOOL** were agents, servants, employees and/or alter egos of each other.

#### **FACTS OF THE CASE**

13. Defendant **GREATER NEW YORK COUNCIL OF THE BOY SCOUTS OF AMERICA** and defendant **BIG CROSS ELEMENTARY SCHOOL's** negligence and recklessness caused Plaintiff to be sexually abused by older students and/or boy scouts despite their knowledge that the older students and/or boy scouts sexually abused younger children and/or had the propensity to sexually abuse younger children and therefore are responsible for the injuries that Plaintiff incurred because but for Defendants **GREATER NEW YORK COUNCIL OF THE BOY SCOUTS OF AMERICA** and **BIG CROSS ELEMENTARY SCHOOL's** unlawful conduct, Plaintiff would not have suffered the mental and physical anguish inflicted by the older students and/or boy scouts. Defendant **GREATER NEW YORK COUNCIL OF THE BOY SCOUTS OF NEW YORK** and Defendant **BIG CROSS ELEMENTARY SCHOOL's**

gross negligence, reckless, wanton, willful and/or intentional conduct supports punitive liability.

14. Mr. Doe was a Cub Scout and/or Boy Scout at Defendant **GREATER NEW YORK COUNCIL OF THE BOY SCOUTS OF AMERICA** and a student at Defendant **BIG CROSS ELEMENTARY SCHOOL**. The defendants **GREATER NEW YORK COUNCIL OF THE BOY SCOUTS OF AMERICA**, and **BIG CROSS ELEMENTARY SCHOOL** failed to remove and/or adequately supervise the older students and/or boy scouts from the Boy Scout program or to take any steps to keep the dangerous predators away from the young boys of the Boy Scouts and/or the School.
15. In or about 1956 and continuing until approximately 1959, Plaintiff was repeatedly and forcefully sexually abused by older students and/or boy scouts by forcing Plaintiff to engage in oral sex, mutual masturbation, manual stimulation of other boys' penises, and other forms of sexual abuse.
16. Mr. Doe reported the sexual abuse to several supervisors of the Boy Scouts, Mr. O'Toole, principal of the School, a school psychologist and other adults acting under the supervision and control of the Boy Scouts and/or the School.
17. When Plaintiff reported the abuse, he was sent to a school psychologist and instructed to see a private psychologist. The agents, servants and/or employees of the Boy Scouts and/or the School refused to take any action against the sexual abusers or any action to prevent or stop the sexual abuse from continuing.
18. The agents, servants and/or employees of the Boy Scouts and the School blamed the Plaintiff for the sexual abuse he was forced to endure. Indeed, Defendants accepted, approved, conducted, ratified, encouraged, and/or permitted the sexual abuse of Mr. Doe.

19. The Boy Scouts of America claims to be “a program for young people that builds character, trains them in responsibilities of participating citizenship and develops personal fitness”, however, Plaintiff’s experience with the Boy Scouts operated by defendants **GREATER NEW YORK COUNCIL OF THE BOY SCOUTS OF AMERICA** and **BIG CROSS ELEMENTARY SCHOOL** proved to be a forum for the open sexual exploitation of young boys.
20. As a result of the actions of the boys under the supervision and control of the Boy Scouts and the School, Mr. Doe felt and continues to feel ashamed and uncomfortable.
21. As such, Plaintiff suffered catastrophic and lifelong injuries as a result of defendant **BIG CROSS ELEMENTARY SCHOOL** and **GREATER NEW YORK COUNCIL OF THE BOY SCOUTS OF AMERICA**’s unlawful conduct in undertaking a duty to keep its young child participants, of its camp(s) and/or parishes safe from predators and failing to act in accord with that duty by allowing older boy scouts, known predators, to continue their roles and participation in the Boy Scouts where they would continue to have the opportunity to prey on younger boys.

**AS AND FOR A FIRST CAUSE OF ACTION FOR NEGLIGENCE**

**AS FOR GREATER NEW YORK COUNCIL OF THE BOY SCOUTS OF AMERICA**

22. Plaintiffs repeat, reiterate and reallege each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 21., inclusive, with the same force and effect as if hereinafter set forth at length.
23. At all times mentioned herein, defendant **GREATER NEW YORK COUNCIL OF THE BOY SCOUTS OF AMERICA** owed a duty of care, including but not limited to in locis parentis, to keep the young boy participants of the boy scouts safe from sexual abuse by its participants under its supervision, including on company and/or school

premises, and control that ultimately befell the Plaintiff, including but not limited to on Defendant premises and property, and without supervision, and Defendants had a duty to supervise any and all children and/or students, including on school premises.

24. At all times mentioned herein, defendant **GREATER NEW YORK COUNCIL OF THE BOY SCOUTS OF AMERICA** and/or its agents, servants and/or employees breached the above-stated duty in a negligent, reckless, willful and wanton manner, and caused Plaintiff to be sexually assaulted.
25. As a result of the negligence of defendant **GREATER NEW YORK COUNCIL OF THE BOY SCOUTS OF AMERICA** and/or its agents, servants and/or employees, plaintiff was caused serious personal injuries, emotional distress, mental pain and suffering, mental anguish and/or physical manifestations thereof, and other losses, all of which have not as of yet been ascertained.
26. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
27. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.
28. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
29. This action falls within exceptions to Article 16 of the C.P.L.R.

**AS AND FOR A SECOND CAUSE OF ACTION FOR NEGLIGENCE**

**AS TO BIG CROSS ELEMENTARY SCHOOL**

30. Plaintiffs repeat, reiterate and reallege each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 29., inclusive, with the same force and effect as if hereinafter set forth at length.



31. At all times mentioned herein, defendant **BIG CROSS ELEMENTARY SCHOOL** owed a duty of care, including but not limited to in locis parentis, to keep the young boy participants of the boy scouts safe from sexual abuse by its participants under its supervision, including on company and/or school premises, and control that ultimately befell the Plaintiff, including but not limited to on Defendant premises and property, and without supervision, and Defendants had a duty to supervise any and all children and/or students, including on school premises.
32. At all times mentioned herein, defendant **BIG CROSS ELEMENTARY SCHOOL** and/or its agents, servants and/or employees breached the above-stated duty in a negligent, reckless, willful and wanton manner, and caused Plaintiff to be sexually assaulted.
33. As a result of the negligence of defendant **BIG CROSS ELEMENTARY SCHOOL** and/or its agents, servants and/or employees, plaintiff was caused serious personal injuries, emotional distress, mental pain and suffering, mental anguish and/or physical manifestations thereof, and other losses, all of which have not as of yet been ascertained.
34. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
35. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.
36. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
37. This action falls within exceptions to Article 16 of the C.P.L.R.

**AS AND FOR A THIRD CAUSE OF ACTION FOR NEGLIGENT HIRING,**  
**RETENTION AND SUPERVISION AS TO GREATER NEW YORK COUNCIL OF**  
**THE BOY SCOUTS OF AMERICA**

38. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 37., inclusive, with the same force and effect as if hereinafter set forth at length.
39. Defendant **GREATER NEW YORK COUNCIL OF THE BOY SCOUTS OF AMERICA**, had a duty to supervise and prevent known risks of harm to the young boy participants in the Boy Scouts by its participants.
40. Defendant was negligent in hiring, retaining and supervising their personnel, who were careless, unskillful, negligent, reckless, and acted in a willful and wanton manner in not possessing the requisite knowledge and skill of Scout Masters and other troop supervisors who should have properly been supervising the participants to ensure the safety of the children of the boy scout troops.
41. Defendant **GREATER NEW YORK COUNCIL OF THE BOY SCOUTS OF AMERICA** knew or should have known the older boys sexually abused and/or had the propensity to sexually abuse younger children and did nothing to stop it.
42. As a result of such negligent hiring, supervising and retention, Plaintiff was caused to suffer serious personal injuries, emotional distress, conscious pain and suffering, mental anguish and/or physical manifestations thereof, and other losses, all of which have not as of yet been ascertained.
43. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.

44. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.
45. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
46. This action falls within exceptions to Article 16 of the C.P.L.R.

**AS AND FOR A FOURTH CAUSE OF ACTION FOR NEGLIGENT HIRING,  
RETENTION AND SUPERVISION AS TO DIOCESE OF BROOKLYN**

47. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 46., inclusive, with the same force and effect as if hereinafter set forth at length.
48. Defendant **BIG CROSS ELEMENTARY SCHOOL**, had a duty to supervise and prevent known risks of harm to the young boy participants in the Boy Scouts by its students.
49. Defendant was negligent in hiring, retaining and supervising their personnel, who were careless, unskillful, negligent, reckless and acted in a willful and wanton manner in not possessing the requisite knowledge and skill of Scout Master, school administrators and other troop supervisors who should have properly been supervising the students to ensure the safety of the children of the boy scout troops.
50. Defendant **BIG CROSS ELEMENTARY SCHOOL** knew or should have known the older boys sexually abused and/or had the propensity to sexually abuse younger children and did nothing to stop it.
51. As a result of such negligent hiring, supervising and retention, Plaintiff was caused to suffer serious personal injuries, emotional distress, conscious pain and suffering, mental



anguish and/or physical manifestations thereof, and other losses, all of which have not as of yet been ascertained.

52. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
53. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.
54. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
55. This action falls within exceptions to Article 16 of the C.P.L.R.

**AS AND FOR THE THIRD CAUSE OF ACTION FOR NEGLIGENT INFLICTION OF  
EMOTIONAL DISTRESS AS TO GREATER NEW YORK COUNCIL OF THE BOY  
SCOUTS OF AMERICA**

56. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 55., inclusive, with the same force and effect as if herein set forth at length.
57. Defendant **GREATER NEW YORK COUNCIL OF THE BOY SCOUTS OF AMERICA** and their agents, servants and/or employees, knew or reasonably should have known that the failure to properly advise and supervise the boy scout participants that sexually abused plaintiff would and did proximately result in physical and emotional distress to Plaintiff.
58. Defendant **GREATER NEW YORK COUNCIL OF THE BOY SCOUTS OF AMERICA** and their agents, servants and/or employees knew or reasonably should have known that the sexual abuse and other improper conduct would and did proximately result in physical and emotional distress to Plaintiff.



59. Defendant has the power, ability, authority and duty to intervene with and/or stop the improper conduct that resulted in Plaintiff being sexually abused by its participants.
60. Despite said knowledge, power and duty, defendant negligently failed to act so as to stop, prevent, and prohibit the improper conduct that resulted in its participants sexually abusing Plaintiff.
61. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
62. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.
63. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
64. This action falls within exceptions to Article 16 of the C.P.L.R.

**AS AND FOR THE SIXTH CAUSE OF ACTION FOR NEGLIGENT INFLICTION OF  
EMOTIONAL DISTRESS AS TO BIG CROSS ELEMENTARY SCHOOL**

65. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 64., inclusive, with the same force and effect as if herein set forth at length.
66. Defendant **BIG CROSS ELEMENTARY SCHOOL** and their agents, servants and/or employees, knew or reasonably should have known that the failure to properly advise, and supervise the participants who sexually abused Plaintiff would and did proximately result in physical and emotional distress to Plaintiff.
67. Defendant **BIG CROSS ELEMENTARY SCHOOL** and their agents, servants and/or employees knew or reasonably should have known that the sexual abuse and other


improper conduct would and did proximately result in physical and emotional distress to Plaintiff.

68. Defendant has the power, ability, authority and duty to intervene with and/or stop the improper conduct that resulted in Plaintiff being sexually abused by its students.
69. Despite said knowledge, power and duty, defendant negligently failed to act so as to stop, prevent, and prohibit the improper conduct that resulted in its students sexually abusing Plaintiff.
70. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
71. This action falls within exceptions to Article 16 of the C.P.L.R.

WHEREFORE, plaintiff demands judgement against defendant in such sum as a jury would find fair, adequate and just.

Dated: New York, New York  
August 14, 2019

MERSON LAW, PLLC

By:   
Jordan K. Merson  
Attorney for Plaintiff  
150 East 58<sup>th</sup> Street 34<sup>th</sup> Floor  
New York, New York 10155  
(212) 603-9100

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK****Index No.:**

\_\_\_\_\_/19

**JOHN DOE,****Plaintiff,****-against -****ATTORNEY  
VERIFICATION****GREATER NEW YORK COUNCIL OF THE BOY  
SCOUTS OF AMERICA and BIG CROSS  
ELEMENTARY SCHOOL,****Defendants.**

-----X  
JORDAN K. MERSON, an attorney duly admitted to practice in the Courts of New York State, and a member of the firm MERSON LAW, PLLC., attorneys for the plaintiffs in the within action, hereby affirms under penalty of perjury:

That he has read the within complaint and knows the contents thereof, and that the same is true to his own knowledge, except as to the matters therein stated to be alleged upon information and belief, and that as to those matters he believes it to be true.

That the sources of his information and knowledge are investigations and records in the file.

That the reason this verification is made by affirmant and not by the plaintiff is that the plaintiff is not within the County where the attorney has his office.

Dated: New York, New York  
August 14, 2019



\_\_\_\_\_  
JORDAN K. MERSON

Index No.

Year 2019

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

---

JOHN DOE,

*Plaintiff,*

*- against -*

GREATER NEW YORK COUNCIL OF THE BOY SCOUTS  
OF AMERICA and BIG CROSS ELEMENTARY SCHOOL

*Defendant(s).*

---

SUMMONS AND VERIFIED COMPLAINT

---

Merson Law, PLLC.

*Attorneys for Plaintiff(s)*

*Office and Post Office Address, Telephone*  
150 East 58<sup>th</sup> Street 34<sup>th</sup> Fl.  
New York, New York 10155  
(212) 603-9100

---

To: All Parties

---